

Committee: Strategic Development	Date: 20 October 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission + Listed Building Consent
Case Officer: Jerry Bell	Ref No: PA/16/00899 + PA/16/00900
	Ward: Canary Wharf

1.0 APPLICATION DETAILS

Location: The Quay Club, Bank Street, Canary Wharf, London, E14

Existing Use: The site is vacant with a history of B1 uses

Proposal: Demolition of the existing concrete slab and associated infrastructure; alterations to Bank Street including the removal of existing coping stones above the existing Banana Wall to enable the installation of proposed utilities services and future deck; the installation of new piles in the Bank Street; and the erection of a five storey building on the existing marine piles for use as a members club (Use Class Sui Generis) and other associated works incidental to the development.

Drawings and documents: *Full Planning Permission (PA/16/00900):*

Site Location Plan, 60306, Rev 00
Proposed Site Plan, 60316, Rev 00
Street Scape Plan & Elevation, 60326, Rev 00
Existing Site Plan, 60406, Rev 00
Demolition Plan, 60456, Rev 00
Proposed Ground Level Plan, 61006, Rev 01
Proposed Level 1 Plan, 61016, Rev 00
Proposed Level 2 Plan, 61026, Rev 00
Proposed Level 3 Plan, 61036, Rev 00
Proposed Level 4 Plan, 61046, Rev 00
Proposed Level 5 Plan, 61056, Rev 00
Enabling Works Plan, 61076, Rev 00
Existing Elevations, 63036, Rev 00
Proposed South Elevation, 63056, Rev 00
Proposed North Elevation, 63066, Rev 00
Proposed West Elevation, 63076, Rev 00
Proposed East Elevation, 63086, Rev 00
Existing Sections, 63136, Rev 00

Demolition Sections, 63146, Rev 00
 Proposed Section 1, 63156, Rev 00
 Proposed Section 2, 63166, Rev 00
 Proposed Section 3, 63176, Rev 00
 Enabling Works Section, 63186, Rev 00
 Enabling Works Section Details, 69006, Rev 00
 Bicycle Parking Provision, S6801A
 Air Quality Assessment, Arup, Dated March 2016
 Construction Phase Environmental Management Plan,
 Canary Wharf Contractors, Rev 01
 Construction Statement, Dated March 2016
 Design and Access Statement, Adamson Associates,
 Dated March 2016
 Ecological Impact Assessment, Environ, Dated March
 2016
 Energy Statement, MTT Ltd., Dated March 2016
 Flood Risk Assessment, Arup, Dated March 2016
 Framework Travel Plan, Steer Davies Gleave, Dated
 March 2016
 Heritage Statement, Peter Stewart Consultancy, Dated
 March 2016
 Noise and Vibration Assessment, Sandy Brown, Dated
 March 2016
 Planning Statement, DP9 Ltd., Dated March 2016
 Stabilisation Study of Grade I Listed Banana Dock
 Wall, Arup, Dated 04/03/2016
 Sustainability Statement, MTT Ltd., Dated March 2016
 Transport Statement, Steer Davies Gleave, Dated
 March 2016
 Applicant's Response to Comments from Historic
 England, Peter Stewart Consultancy, Dated July 2016
 Cycle Parking Details, DP9 Ltd., DP3810/SH/GL,
 Dated 16/08/2016

Listed Building Consent (PA/16/00899):

Site Location Plan, 60308, Rev 00
 Works to Dock Wall, 60408, Rev 00
 Photographic Study of Works to Dock Wall, 60418,
 Rev 00
 Existing Site Plan, 60428, Rev 00
 Proposed Typical Section, 63158, Rev 00
 Proposed Detail Section, 69008, Rev 00

Applicant: South Quay Properties Ltd

Ownership: South Quay Properties Ltd
Canal and River Trust

Historic Building: Dock wall is Grade I listed

Conservation Area: None

2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Strategic Development Committee as the proposal is not in accordance with the development plan involving a gross floor space exceeding 2,500 square metres.
- 2.2 This application has been considered against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan 2016 and the National Planning Policy Framework and all other material considerations.
- 2.3 The planning and listed building consent application is for the demolition of the existing concrete slab and associated infrastructure; alterations to Bank Street including the removal of existing coping stones above the existing Banana Wall to enable the installation of proposed utilities services and future deck; the installation of new piles in Bank Street; and the erection of a five storey 6,536sqm new building on the existing marine piles for use as a members club (Use Class Sui Generis).
- 2.4 The development results in the loss of water space which is not considered to be of the highest quality due to its shape, size and location. The loss of water space would in part be mitigated by a significant natural environmental enhancement planning contribution and biodiversity enhancements. The proposed development would therefore result in enhancements at a wider level overall, facilitate economic benefits through direct employment generation and also aid the Canary Wharf estate to remain a globally competitive centre.
- 2.5 The proposed design of the new building is of a very high standard and would have a positive impact on the surrounding built environment. The degree of harm to the existing Grade I listed 'banana dock wall' is considered to be '*less than substantial*' and outweighed by the overall benefits of the proposal.
- 2.6 The proposal would not have a significant adverse impact upon the local highway and public transport network, would provide suitable parking arrangements, and would be serviced in a manner which would not adversely impact the local highway network.
- 2.7 The proposal would not adversely impact the amenity of surrounding residents and building occupiers, and would also afford future occupiers of the building a suitable level of amenity in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.
- 2.8 The proposed energy strategy for the site is acceptable as the proposal has been designed in compliance with the London Plan energy hierarchy and is to provide a carbon offsetting payment to cover the CO2 emission reduction shortfall.

3.0 RECOMMENDATION

3.1 That the Committee resolve to:

1. **GRANT** planning permission and,
2. **GRANT** listed building consent

subject to:

- a) The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of **£600,000** towards improvements and enhancements to the natural environment in the borough.
- b) A contribution of **£26,144** towards construction phase skills and training.
- c) A contribution of **£41,026** towards end user phase skills and training.
- d) A contribution of **£27,900** towards Environmental Sustainability (carbon offset).
- e) A monitoring fee of **£2,000**.

Non-Financial Contributions:

- a) Access to employment (20% Local Procurement, 20% Local Labour in Construction, 20% end phase local jobs).
 - b) Provide 8 apprenticeships for local residents during the construction phase.
 - c) Travel plan
 - d) Interpretation boards
 - e) Cycle parking
- b) That the Corporate Director of Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

3.2 Conditions on planning permission

Compliance' Conditions

1. Time limit
2. Development to be built in accordance with the approved plans
3. Development to be carried out in accordance with submitted construction environmental management plan (CEMP)
4. Contaminated land
5. CO2 emission reductions in accordance with the approved energy strategy and delivery of on-site CHP
6. No cleaning products to be discharged into the dock

Prior to completion of superstructure works conditions:

7. Further details of drainage and SUDS features
8. Submission of material samples
9. Details of plant and equipment
10. Details of the blue badge valet parking service

11. Updated delivery and servicing plan
12. Details of external lighting

Prior to Occupation' Conditions:

13. Details of biodiversity enhancements

Post Occupation' Conditions:

14. BREEAM final certificates (*post-occupation*)

3.3 Informatives on planning permission

1. Green roof design
2. Thames water

3.3 Conditions on listed building consent

1. Time limit (*compliance*)
2. Development to be built in accordance with the approved plans (*compliance*)
3. Details recording the works to the listed dock wall (*prior to superstructure*)

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposed application is for full planning permission and listed building consent to demolish the existing concrete slab and associated infrastructure within Middle Dock, remove the coping stones above the existing Grade I listed 'banana dock wall' to enable the installation of proposed utilities and future deck, install additional piles in Bank Street and erect a new deck above the existing marine piles, and erect a new five storey building for use as a members club (*sui generis* use class) along with other works incidental to the development.
- 4.2 The proposed new five storey building housing the members club will total 6536sqm of *sui generis* floor space and will feature restaurant, bar and kitchen facilities on ground and first floor, as well as associated utilities and refuse stores at ground floor level, a large gym on the second floor, 17 guest rooms for club members and guests on the third floor, further restaurant facilities on the fourth floor, and a large roof terrace on the roof level totalling 464sqm in size, in addition to a number of smaller terraces on the lower levels of the building.
- 4.3 The proposed building is of a contemporary design and its external façade has been inspired by the visual effect of wavelets on the water within Middle Dock which is achieved through undulating reflective aluminium façade panels. The front (Bank Street facing) elevation features glazing at ground floor level overlooking the adjacent drop-off and servicing bay on Bank Street, and punched openings on the rear (dock facing) elevation of the building provide terraces which overlook the dock.

Site and Surroundings

- 4.5 The application site comprises of a vacant existing deck structure which sits within Middle Dock directly to the north of Bank Street on the western side of the Canary Wharf estate as well as a portion of open dock space on the southern side of the deck and totals 1400sqm in size. The existing deck structure measures 670sqm in

size and previously accommodated 11/12 Heron Quays, which was a 3/4 storey office building and was demolished in 2003. At present the only means of access to the deck (which is not currently publically accessible) is via a metal bridge which lands on the pavement on the north side of Bank Street.

- 4.6 The site is surrounded by both a large expanse of open water (Middle Dock) and a number of large scale office buildings, most notably to the north of the site, however it should be noted that the immediate surroundings of the site are currently undergoing significant changes (notably Heron Quays West to the south of the application site) and will take on a similar character to other parts of the Canary Wharf estate in the near future.
- 4.7 The application site includes a portion of the Grade I listed 'banana dock wall', however the site does not sit within or adjacent to any designated conservation areas.

Relevant Planning History

- 4.9 PA/99/01488 - Extension of existing slab within the structure at ground floor level to create additional office floorspace and new enclosures for air conditioning plant (12 units). (Permission granted 02/02/2000)
- 4.10 PA/07/00233 – Change of use of derelict office use pontoon to a temporary children's playground with ancillary perimeter fencing and re-surfacing works, to be used in conjunction with temporary Montessori School (Use Class D2) at 15-16 Heron Quay. (Permission granted 22/03/2007)
- 4.11 PA/07/03088 – Demolition of the existing buildings and structures on the site, partial infilling of South Dock and its redevelopment by:
- Erection of a part 12 storey, part 21 storey and part 33 storey building comprising Class B1 offices; construction of 3 levels of basement for Class A retail units, underground parking, servicing & plant;
 - Construction of a subterranean pedestrian link to the Jubilee Place Retail Mall and the Jubilee Line Station incorporating Class A retail accommodation;
 - Erection of a 4 storey building for Class A3 (restaurant and cafe) and A4 (drinking establishments) uses, and/or at first and part second floor level Class D1 (training centre);
 - Relocation of the canal between South Dock and Middle Dock from the eastern to western part of the application site;
 - Provision of a new publicly accessible open space;
 - Associated infrastructure and landscaping together with other works incidental to the application.
- (Permission granted 17/12/2008)
- 4.12 PA/07/03089 - Partial demolition of a Grade I listed quay wall, copings and buttresses to south edge of West India Export Dock to facilitate works for the relocation of the existing canal; reinstatement of Grade I listed quay wall and copings along existing canal entrance to West India Export Dock alterations and stabilisations of Grade I listed quay wall and copings and associated works. (Permission granted 17/12/2008)
- 4.12 PA/07/03090 - Partial demolition and associated works to the Grade II listed former lock entrance to South Dock to facilitate works for the relocation of the existing canal. (Permission granted 17/12/2008)

- 4.13 PA/11/03796 - Temporary planning permission until 16th December 2013 for the installation of hard and soft landscaping; replacement of the bridge link to the deck formerly occupied by Heron Quays 11 & 12 (within West India Dock); retention of Heron Quays 7 & 8 (facing West India Dock South) and necessary facade reinstatement; and ancillary services; infrastructure and associated works. (Permission granted 07/03/2012)
- 4.14 PA/13/02846 - Temporary planning permission for a period of up to two years for the retention of hard and soft landscaping; replacement of the bridge link to the deck formerly occupied by Heron Quays 11 & 12; retention of Heron Quays 7 & 8 and necessary reinstatement and ancillary services, infrastructure and associated works. (Permission granted 13/02/2014)
- 4.15 PA/15/00975 - Highway improvement works to Bank Street, including the re-alignment, widening and raising of Bank Street to include a two-lane approach either side of an island incorporating a security kiosk. (Permission granted 06/08/2015)
- 4.16 PA/15/00976 - Listed building Consent associated with the works to the Listed Dock Walls in connection with the highway improvement works to Bank Street, including the re-alignment, widening and raising of Bank Street to include a two-lane approach either side of an island incorporating a security kiosk. (Permission granted 06/08/2015)
- 4.17 PA/16/00898 - Demolition of the existing concrete slab and associated infrastructure; alterations to Bank Street including the removal of existing coping stones above the existing Banana Wall to enable the installation of proposed utilities services and future deck; and the installation of new piles in the Bank Street. (Currently under consideration)
- 4.18 PA/16/02742 – Prior notification for the demolition of the existing concrete slab and associated infrastructure. (Currently under consideration)

5.0 POLICY FRAMEWORK

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.3 Government Planning Policy

National Planning Policy Framework 2012
National Planning Practice Guidance

5.4 London Plan 2016

2.1 – London in its global, European and United Kingdom context
2.18 – Green infrastructure: the multi-functional network of green and open spaces
4.1 – Developing London’s economy
4.2 – Offices
4.5 – London’s visitor infrastructure

- 4.6 – Support for and enhancement of arts, culture, sports and entertainment
- 4.7 – Retail and town centre development
- 5.2 – Minimising carbon dioxide emissions
- 5.3 – Sustainable design and construction
- 5.4A – Electricity and gas supply
- 5.6 – Decentralised energy in development proposals
- 5.7 – Renewable energy
- 5.9 – Overheating and cooling
- 5.10 – Urban greening
- 5.11 – Green roofs and development site environs
- 5.12 – Flood risk management
- 5.13 – Sustainable drainage
- 5.14 – Water quality and wastewater infrastructure
- 5.15 – Water use and supplies
- 5.17 – Waste capacity
- 5.21 – Contaminated land
- 6.3 – Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.13 – Parking
- 6.14 – Freight
- 7.1 – Lifetime neighbourhoods
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.5 – Public realm
- 7.6 – Architecture
- 7.8 – Heritage assets and archaeology
- 7.13 – Safety, security and resilience to emergency
- 7.14 – Improving air quality
- 7.15 – Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.18 – Protecting open space and addressing deficiency
- 7.19 – Biodiversity and access to nature
- 7.24 – Blue Ribbon Network
- 7.27 – Blue Ribbon Network: supporting infrastructure and recreational use
- 7.28 – Restoration of the Blue Ribbon Network
- 7.30 – London canal's and other rivers and waterspaces

5.5 **Core Strategy 2010**

- SP01 – Refocusing on our town centres
- SP04 – Creating a green and blue grid
- SP05 – Dealing with waste
- SP06 – Delivering successful employment hubs
- SP08 – Making connected places
- SP09 – Creating attractive and safe streets and spaces
- SP10 – Creating distinct and durable places
- SP11 – Working towards a zero-carbon borough
- SP12 – Delivering placemaking

5.6 **Managing Development Document 2013**

- DM1 – Development within the town centre hierarchy
- DM9 – Improving air quality
- DM10 – Delivering open space

- DM11 – Living buildings & biodiversity
- DM12 – Water spaces
- DM13 – Sustainable drainage
- DM14 – Managing waste
- DM16 – Office locations
- DM20 – Supporting a sustainable transport network
- DM21 – Sustainable transportation of freight
- DM22 – Parking
- DM23 – Streets and the public realm
- DM24 – Place-sensitive design
- DM25 – Amenity
- DM27 – Heritage and the historic environment
- DM29 – Achieving a zero carbon borough and addressing climate change
- DM30 – Contaminated land and development and storage of hazardous substances

5.7 **Supplementary Planning Documents**

Planning Obligations Supplementary Planning Document (SPD), September 2016

6.0 **CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Biodiversity Officer

6.3 The proposed development will result in a minor adverse impact on the 'SINC' which requires mitigation through habitat enhancements. A condition requiring full details of the proposed biodiversity enhancements should be imposed.

Canal and River Trust

6.4 The issue of potential pollution from surface water drainage from terraces / balconies only applies to the ground floor. This should be clear in application documents if planning permission is granted, as I note that these currently still refer to all terraces draining to the dock.

6.5 We welcome the applicant's commitment to using only inert cleaning products to clean the proposed terrace. The applicant will need a commercial agreement with the Trust to discharge surface water, which will require that the dock is not contaminated. Any discharges will also be subject to control of pollution legislation. In this case, the Trust is content that its process for negotiating a commercial agreement for surface water drainage will provide sufficient opportunity to consider whether the proposal is acceptable or not to our satisfaction. Given this, we would not object to the compliance condition proposed.

6.6 We do, however, consider that it is right for the Council to consider the extent to which it is practical to enforce a compliance condition requiring the use of inert cleaning products only. The applicant suggests that the "Health and Environment section of Tower Hamlets Council is responsible for the routine testing of recreational water, controlling the release of pollution and taking enforcement action against those who pollute under the relevant pollution legislation". Obviously, it is for the Council to determine whether this statement is accurate and how confident it is that

any monitoring that identifies pollutants can be linked to the development.

Crime Prevention Officer

- 6.7 No objection.

LBTH Design Officer

- 6.8 Officers support the proposal and a condition requiring the submission of further details of the proposed facing materials should be secured.

LBTH Energy Officer

- 6.9 The current proposals are anticipated to achieve CO2 emission reductions of 40.7% which is below the target of 45%, and as such a carbon offsetting payment of £27,900 is required to meet this shortfall. The submitted information identifies and assesses a number of renewable energy technologies for integration in the scheme but none are considered appropriate for the development due to the size constraints or site location constraints, and in this specific instance the approach and justification is considered acceptable. The proposed sustainability statement states that the proposed scheme is anticipated to meet BREEAM Excellent which is welcomed and final certificates demonstrating that BREEAM Excellent has been achieved should be secured via condition.

Environment Agency

- 6.10 No objection.

LBTH Environmental Health – Air Quality

- 6.11 No objection.

LBTH Environmental Health – Contaminated Land

- 6.12 Compliance condition requested.

LBTH Environmental Health – Noise and Vibration

- 6.13 No comments received.

LBTH Environmental Health – Smell and Pollution

- 6.14 No comments received.

Greater London Authority

- 6.15 No objection, the application is not required to be referred at stage II.

LBTH Planning Policy

- 6.16 No comments received.

Historic England

- 6.17 The submitted proposals are likely to cause significant harm to the character and

setting of the Grade I listed dock wall and the dock itself and would therefore need to be justified in accordance with policies set out within the NPPF and the perceived public benefits of the proposals.

Historic England Archaeology

- 6.18 No objection.

LBTH SUDS Team

- 6.19 The proposed drainage strategy is accepted. The applicant should consult with the canal and river trust to ensure that the runoff discharge into the docks is acceptable. A condition requiring details of the agreed adoption, monitoring and maintenance of the drainage and suds features should be imposed.

Thames Water

- 6.20 Informative requested.

Transport for London

- 6.21 The car-free nature of the scheme is welcomed and TFL welcome the use of valet services to provide for blue badge holders. Due to the exceptional circumstances unique to this site – in particular, the unique site location within the dock (surrounded by water on three sides), and the lack of a basement level – TFL are willing to accept the proposed cycle parking arrangements. The methodology used to calculate the trip generation for the proposed development is acceptable and due to the low number of trips anticipated to be generated by the development, TFL do not expect any site specific mitigation to be required from this site. TFL are content with the updated CLP and a condition requiring that the development is carried out in accordance with this document should be secured.

LBTH Transport and Highways

- 6.22 The proposed development is car-free which is welcomed, however accessible parking will need to be provided. LBTH highways accept TFL's position on cycle parking, however all long stay cycle parking should be accessible, secure and weather proof. The anticipated delivery and servicing trips are low and thus are unlikely to adversely impact upon the local highway network. A full travel plan, demolition and construction management plan, and an updated delivery and servicing plan should be secured via condition.

LBTH Waste Policy and Development

- 6.23 No comments received.

7.0 LOCAL REPRESENTATION

- 7.1 A total of 41 letters were sent to neighbours and interested parties. A site notice was also displayed on site and the application was advertised in the local press.

- 7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses: Objecting: 0

Supporting: 0

No of petition responses:

Objecting: 0

Supporting: 0

8.0 MATERIAL PLANNING CONSIDERATIONS

8.1 This application has been assessed against all relevant policies under the following report headings:

1. Land Use
2. Loss of water space / Biodiversity
3. Design
4. Transport and Highways
5. Amenity
6. Refuse
7. Energy and Sustainability
8. Environmental Considerations
9. Planning Contributions
10. Conclusion

Land Use

Policy Context

- 8.2 The application site is located within the Canary Wharf Major Town Centre and a Preferred Office Location (POL) as designated by the Local Plan (Core Strategy (2010) and Managing Development Document (2013)). The application site also sits within the Isle of Dogs Opportunity Area (IoDOA) as designated within the London Plan (2016).
- 8.3 Policy 2.1 of the London Plan (2016) seeks to retain and extend London's *"global role as a sustainable centre for business [and] innovation"*. Policy 4.1 aims to *"support and promote the distinctive and crucial contribution to London's economic success made by central London and its specialist clusters of economic activity"* and *"promote London as a suitable location for European and other international agencies and businesses"*. Policy 4.2 seeks to *"meet the distinct needs of the central London office market, including the north of the Isle of Dogs, by sustaining and developing its unique and dynamic clusters of 'world city' and other specialist functions and business environments"*. Policy 4.5 seeks to *"support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors"*. Finally policy 4.6 seeks to enhance the economic contribution of entertainment facilities and policy 4.7 seeks to focus leisure development on sites within town centres.
- 8.4 The Council's Core Strategy policy SP01 seeks to *"maintain and enhance Canary Wharf as an important major centre in the borough through, improving its local accessibility and supporting its continued growth"*. Policy SP06 seeks to *"maximise and deliver investment and job creation in the borough, by: supporting, maximising and promoting the competitiveness, vibrancy and creativity of the Tower Hamlets economy"*.
- 8.5 The Council's Managing Development Document policy DM1 seeks to support the vitality and viability of major centres by *"supporting development that strengthens the mix and diversity of town centre uses (including employment and social / community*

uses)". Policy DM16 identifies Canary Wharf as a Preferred Office Location (POL) and seeks to support *"major office development as the focus, with supporting uses such as gyms, hotels, restaurants and retail uses helping to achieve a sustainable office environment"*.

Loss of Existing Office Floor Space

- 8.6 The site is currently vacant and was last in use in 2003 when the former buildings on the site were removed. Therefore the proposal would not result in the net loss of office floor space.

Principle of Members Club Use

- 8.7 The proposed development would result in the creation of 6536sqm of sui generis use class floor space to accommodate a members club on the site.
- 8.8 The proposed members club is to feature restaurant and bar facilities, a gym and spa, sleeping accommodation for club members, as well as an extensive roof terrace and is to be operated by an established member's club owner in the West End. Given the proposed nature of the members club which is similar in nature to a hotel use (use class C1), a use directed to major and district town centre locations by Core Strategy policy SP06, officers consider that the proposed use can be considered acceptable in this location.
- 8.9 The applicant has stated that in order for the Canary Wharf estate to continue to compete with the West End and the City of London, and to remain attractive to major office tenants and occupiers, a higher calibre of ancillary facilities such as the proposed members club are required to support its role as a global economic centre. It should be noted that such a position is supported by both London Plan and the Council's Local Plan policies.

Conclusion

- 8.10 Officers consider that the introduction of a members club in this location is acceptable as the proposed use is compatible with its town centre location, will provide a supporting function to the POL and will further strengthen Canary Wharf's position as a global economic centre.

Loss of Water Space / Biodiversity

Policy Context

- 8.11 The application site is located within Middle Dock which is a designated Site of Importance for Nature Conservation (SINC), forms part of the Blue Ribbon Network, and is also designated as water space (a form of open space).
- 8.12 Policy 2.18 of the London Plan (2016) seeks to *"encourage the linkage of green infrastructure including the Blue Ribbon Network, to the wider public realm to improve accessibility for all and develop new links"*. Policy 7.18 states that *"the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area"*. Policy 7.19 states that *"development proposals should: wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity"*. Policy 7.27 states that *"development proposals should enhance the use of the Blue Ribbon Network"*. Policy 7.28 states that *"development proposals should restore and enhance the Blue Ribbon*

Network by increasing habitat value". Finally policy 7.30 states that "development within or alongside London's docks should protect and promote the vitality, attractiveness and historical interest of London's remaining dock areas by: preventing their partial or complete in-filling".

- 8.13 The Council's Core Strategy policy SP04 seeks to *"deliver a network of high quality, usable and accessible water spaces, through: protecting and safeguarding all existing water spaces from inappropriate development [and] improving the quality, usability, accessibility of the environment of water spaces including the immediate area and water quality"*.
- 8.14 The Council's Managing Development Document policy DM10 states that *"development on areas of open space will only be allowed in exceptional circumstances where: it provides essential facilities to ensure the function, use and enjoyment of the open space; or as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved"*. Policy DM11 states that *"development will be required to provide elements of a 'living building' [and that] existing elements of biodiversity value should be protected or replaced within the development and additional habitat provision made to increase biodiversity value"*. Policy DM12 states that *"development within or adjacent to the Blue Ribbon Network will need to identify how it will improve the quality of the water space and provide increased opportunities for access, public use and interaction with the water space"*.

Principle of Infilling Middle Dock

- 8.15 The proposed development involves the partial infilling of Middle Dock (353sqm) and as such raises potential conflicts with a number of London Plan policies relating to the Blue Ribbon Network and Council policy regarding water space (a form of open space).
- 8.16 The proposed area of Middle Dock which is to be in-filled comprises of a narrow strip of water (6.5m in width) which sits in between the existing vacant deck and the edge of the dock, which was previously partially covered by the former office building which was removed in 2003, and a small area (15sqm) to the east of the existing deck.
- 8.17 Whilst the infilling of dock areas is generally not considered acceptable, in this instance officers consider that the area of dock being covered by the proposed development does not provide opportunities for play, recreation and sport and is also considered to be of limited amenity value, due to its size and shape and the fact that it is wedged between the dock edge and the existing deck, constitutes poor quality open space (when assessed against the definition of open space within the Core Strategy (2010)).
- 8.18 The proposed development would not result in the loss of existing facilities for waterborne sport and leisure, would not adversely impact upon any existing access points to the water, and also would not adversely impact upon any existing waterway support infrastructure such as boatyards, moorings and jetties in accordance with policy 7.27 of the London Plan (2016). Officers also consider that the proposed development by virtue of its scale and siting would not adversely impact upon the openness of the Blue Ribbon Network in accordance with policy 7.28 of the London Plan (2016). Furthermore officers also consider that the proposed development respects the local character and also helps to enhance the vitality and attractiveness of the dock in line with policy 7.30 of the London Plan (2016).

- 8.19 In accordance with policy SP04 of the Core Strategy (2010) the development would not adversely impact upon the accessibility of the water space, promotes this location for leisure activities by introducing a use on this site which is analogous to a leisure use, and also does not result in adverse biodiversity or flood risk impacts.
- 8.20 The area of dock being covered by the proposed development would not affect the navigability of the dock (as it is currently not navigable), the habitat quality (due to the mitigation measures being proposed), and the hydrology or water quality of the dock (due to the nature of the development) which is in accordance with policy DM12 (1) of the Managing Development Document (2013). Officers also consider that the nature in which the building is elevated from the water line allows it to respect any existing ecosystems within the dock in accordance with part (2) of DM12 which requires suitable setbacks from the water. The existing deck is also currently not accessible and as such the proposed development which would introduce a new use for this space would increase access to, and increase interaction with the water space (albeit for private use only) in accordance with part (3) of DM12.
- 8.21 Whilst the infilling of this area of dock is broadly considered acceptable as discussed above, as the proposed development would result in a net loss of water space (a form of open space), the proposal technically constitutes a departure from the local plan.
- 8.22 The implications of the proposed net loss of water space would also be mitigated by a 'Natural Environment Improvement and Enhancement Contribution' of £600,000 which would be used towards improvements and enhancements to the natural environment elsewhere in the Borough. Such a contribution would ensure that the proposed development meets the exceptional circumstances test within policy DM10 of the Managing Development Document (2013) which states that development on areas of open space may be acceptable where *"as part of a wider development proposal [...] a higher quality open space outcome is achieved"*, an objective which otherwise could not be achieved through a physical intervention within the red line boundary in this instance.
- 8.23 Given the above policy considerations, combined with the fact that the water space is considered to be of poor quality (due to its shape, size and location), financial contributions to Natural Environments would be secured via a s106, economic benefits would arise from direct employment generation and Canary Wharf will remain a globally competitive centre, officers consider that in this instance the partial infilling of the Middle Dock would be acceptable.

Biodiversity Implications

- 8.24 The application site sits within a designated Site of Importance for Nature Conservation (SINC) and it has been noted by the Council's biodiversity officer that the small reduction in water space as a result of this proposal will result in a minor adverse impact on the SINC which will require suitable mitigation.
- 8.25 In order to mitigate the minor adverse impact on the SINC, the applicant has proposed that some form of floating marsh containing wetland habitat is to be erected along with the installation of a chainmail mesh curtain around the underside edge of the building which could provide habitat for juvenile fish and invertebrate. The biodiversity officer is content that such measures could suitably mitigate the minor adverse impact on the SINC and will require further details of these mitigation measures as part of a wider biodiversity condition which will need to be satisfied prior to the commencement of works.

- 8.26 In accordance with policy DM11 of the Managing Development Document (2013), development is required to provide elements of a 'living building'. The proposed new building includes the provision of 120sqm of biodiverse roof, bird nest boxes and planters which could be filled with a range of nectar-rich flowers, all of which can potentially contribute towards targets contained within the Local Biodiversity Action Plan (LBAP). The biodiversity officer is content that such measures will meet the necessary biodiversity requirements as set out in policy DM11 and will require further details of these mitigation measures as part of a wider biodiversity condition which will need to be satisfied prior to the commencement of works.

Conclusion

- 8.27 Officers consider that the mitigation measures proposed in order to offset the impacts of the proposal in biodiversity terms are acceptable and whilst the proposal does raise some conflicts with policy, on balance officers are content that the proposal can broadly be seen to be in line with the overall aims of the relevant policies.

Design

Policy Context

- 8.28 The application site includes a portion of the Grade I listed 'banana dock wall', however the site does not sit within or adjacent to any designated conservation areas.
- 8.29 Policy 7.1 of the London Plan (2016) seeks to ensure that *"the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood"*. Policy 7.2 seeks to ensure *"the principles of inclusive design [...] have been integrated into the proposed development"*. Policy 7.3 seeks to ensure that development reduces *"the opportunities for criminal behaviour and contributes to a sense of security"*. Policy 7.4 seeks to ensure that *"buildings, streets and open spaces should provide a high quality design response that contributes to a positive relationship between the urban structure and natural landscape features"*. Policy 7.5 seeks to ensure that *"development should make the public realm comprehensible at a human scale"*. Finally policy 7.6 seeks to ensure that *"buildings and structures should be of the highest architectural quality"* and policy 7.8 seeks to ensure that *"development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate"*.
- 8.30 The Council's Core Strategy policy SP10 seeks to *"ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds"*.
- 8.31 The Council's Managing Development Document policy DM23 states that *"development should be well-connected with the surrounding area and should be easily accessible for all people by: ensuring design of the public realm is integral to development proposals and takes into consideration the design of the surrounding public realm [and] incorporating the principles of inclusive design"*. DM24 states that *"development will be required to be designed to the highest quality standards, incorporating principles of good design, including: ensuring design is sensitive to and enhances the local character and setting of the development"*. Policy DM27 states that *"development will be required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'"*.

Height, Massing, Layout and Access

- 8.32 The proposed building is 5 storeys in height and extends to a height of 28.5m above Bank Street (inclusive of the roof top plant enclosure). Considering the scale of a number of existing and proposed buildings within the immediate context of the site, officers consider that the proposed height of the building is acceptable. It is also considered that due to the low scale of the building its impact on the overall sense of openness of Middle Dock is acceptable.
- 8.33 The proposed building will cover the entirety of the site and includes a one and a half storey 5.5m deep recess along its Bank Street frontage which enables it to create a generous entrance space and high quality public realm along Bank Street. The simple form of the building is punctuated by a number of terraces and openings on the rear elevation which give the form of the building a degree of visual interest.
- 8.34 The proposed building has been designed with access and inclusivity in mind, meeting relevant standards and providing flush thresholds and step free access throughout the building. Of the 17 guest rooms being provided, 2 of these are to be provided as wheelchair accessible rooms meaning that 10% of the proposed guest rooms are to be wheelchair accessible in accordance with the London Plan (2016).
- 8.35 In light of the above officers consider that the height, massing, layout and access of the building is acceptable as it accords with the relevant policies.

Architecture

- 8.36 The design of the building has been heavily influenced by its immediate context, in particular the texture and appearance of the water which surrounds the site. The proposed undulating reflective aluminium façade panels which clad the building have been designed to recreate the visual effect of wavelets on water and will reflect the light in a similar fashion to water.
- 8.37 The building is raised above the water line by 1m and is supported by the existing marine piles which are set back from the building's edge giving the illusion that the building is floating above the dock. This visual effect will be further enhanced by lighting on the underside of the building. The proposed location of terraces and windows has been carefully considered and are considered to complement the architectural treatment of the façade.
- 8.38 Officers consider that the architectural treatment of the building has the potential to create a building of the highest architectural quality which will be an asset to the area and enhance the overall built environment of this part of the Canary Wharf estate. As such the proposed development can be considered to be acceptable in architectural terms.

Heritage

- 8.39 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- 8.40 Policy 7.8 of the London Plan (2016) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 of the London Plan (2016) states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.
- 8.41 Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance the Borough's Conservation Areas and Listed Buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.42 Policy DM27(1) of the Council's adopted Managing Development Document (2013) requires development to protect and enhance the Borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the Borough's distinctive 'Places'.
- 8.43 As set out in Section 12 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The NPPF emphasises that the weight given should be proportionate to the asset's significance and, states that *any* harm to, or loss of, a heritage asset should be accompanied by a clear and convincing justification. The more important the asset, the greater the weight should be.. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Substantial harm to Grade I listed structures should be wholly exceptional and substantial public benefits which outweigh that harm or loss should be sought. Where LPA's consider that a proposal will lead to '*less than substantial harm*' then this harm should be weighed up against the public benefits of the proposal. In undertaking that balancing exercise, considerable weight and importance should be applied to the statutory duty under section 61 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) referred to above.
- 8.44 In order to facilitate the proposed development, alterations to small isolated areas of the coping of the Grade I listed 'banana dock wall' will be required in 17 locations. These alterations comprise of the temporary removal of some coping stones and the creation of small cut out areas in them to enable the installation of utilities services and structural steel beams. The majority of coping stones above the 'banana dock wall' are not original granite coping stones and are instead more modern concrete coping stones. Where possible the applicant has therefore sought to position utilities services and structural steel beams in locations where there are modern concrete coping stones, and where this isn't possible the existing granite coping stones will be relocated to replace existing concrete coping stones. It should also be noted that the application does not result in any physical interventions to the 'banana dock wall' below. In light of the above and on the advice of both Historic England and the Council's heritage officers, officers, having given very special weight to the desirability of preserving (i.e. causing no harm) to the wall and its setting, are content with the proposal in terms of its physical impact on the Grade I listed 'banana dock wall' and any harm caused is outweighed by the public benefits of the scheme (which are explained in more detail below).
- 8.45 The proposed building will sit directly above the existing Grade I listed 'banana dock wall' and as such will hide a portion of it (55m in length) from view, however it is appreciated that the existing deck structure which currently sits within Middle Dock does already obscure views of the existing dock wall from the opposite side of Middle

Dock. Both Historic England and the Council's heritage officers have raised concerns with this aspect of the proposal, with Historic England considering that the covering of this portion of the existing dock wall could be seen to amount to 'significant harm' to the character and setting of the Grade I listed dock wall and the dock itself and would therefore need to be justified in accordance with policies set out within the NPPF and the perceived public benefits of the proposals. It should be noted however that Historic England have not sought to formally object to the application despite these concerns and have also stated that it is for the LPA to ultimately decide upon the degree of harm to the Grade I listed 'banana dock wall' in this instance.

- 8.46 It is considered that the existing deck structure is unsightly and does not positively contribute towards the setting of the Grade I listed 'banana dock wall', furthermore this structure also currently obscures views of this section of the dock wall, and as such its removal is supported. The proposed new building is considered to be of a very high architectural quality and whilst this will continue to obscure this portion of the dock wall, it is considered it will improve the setting of the adjacent portions of the dock wall. It is also considered that the gap between the underside of the new building and the water will mean that the new building will appear to float above the water, thus still allowing the overall outline of the dock to be read. This effect will be further enhanced by a well-considered lighting strategy on the underside of the building which will be secured by condition. Whilst the proposal does not fully comply with relevant policy with regard to heritage assets, officers do consider that the proposed development is sympathetic to the dock wall and the form of the dock in accordance with policy 7.8 of the London Plan (2016), helps to enhance the setting of the adjacent dock wall in accordance with policy SP04 of the Core Strategy (2010) and will also help to develop a 'sense of place' in line with the aspirations of policy DM27 of the Managing Development Document (2013). For the above reasons officers have therefore concluded that the proposed development does not result in 'substantial harm' and instead results in 'less than substantial harm' to the character and setting of the Grade I listed dock wall and the dock itself.
- 8.47 Given that officers consider the proposed development to result in 'less than substantial harm' special weight has been given to the desirability of avoiding that harm and an assessment of the public benefits and mitigation proposed has been undertaken in order to conclude whether the proposed development would be seen to be acceptable in heritage terms. At present the existing Grade I listed 'banana dock wall' is considered to be an underappreciated heritage asset, largely due to the fact that its significance is largely not apparent when walking along Bank Street, a busy thoroughfare within, and important entrance point to, the Canary Wharf estate. In order to address this point, the applicant is proposing to install a number of 'interpretation boards' along Bank Street which will bring attention to and enhance visitors' understanding of the dock wall structure and its history as part of this proposal which is welcomed by officers. Details of the number and nature of these 'interpretation boards' will be secured by s106. In addition to this mitigation intervention officers have also considered the public benefits of the proposed development which include the direct creation of 400 new jobs on site, and the fact that the development will enhance the overall offer of the Canary Wharf estate which will further help it to compete as a global economic centre which has far reaching benefits for the Borough as a whole. Given the proposed mitigation measures and the public benefits of the proposal, officers therefore conclude that the public benefits from the scheme outweigh the 'less than substantial harm' to the Grade I listed 'banana dock wall'. As such officers consider the application to be acceptable in heritage terms.

Conclusion

- 8.48 Officers consider that the proposed design of the new building is of a very high standard and will have a positive impact on the surrounding built environment. Whilst although the proposal would result in a degree of harm to the existing Grade I listed 'banana dock wall', as it is considered to be 'less than substantial' and outweighed by public benefits, it is considered that the application is acceptable in design terms.

Transportation & Highways

Policy Context

- 8.49 The application site does not sit adjacent to or within close proximity to the public highway network and instead sits adjacent to a road in private ownership on the Canary Wharf estate.
- 8.50 Policy 6.3 of the London Plan (2016) states that "development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network". Policy 6.9 states that "developments should: provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards [...] and the guidance set out in the London Cycle Design Standards". Policy 6.13 states that "in locations with high public transport accessibility, car-free developments should be promoted (while still provided for disabled people)". Finally policy 6.14 states that "development proposals that increase the use of the Blue Ribbon Network for freight transport will be encouraged".
- 8.51 The Council's Core Strategy policy SP08 seeks to "promote the sustainable transportation of freight [...] by: promoting and maximising the movement of freight by water and rail to take the load off the strategic road network". Policy SP09 seeks to "ensure new development has no adverse impact on the safety and capacity of the road network [and promotes] car free developments and those schemes which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport".
- 8.52 The Council's Managing Development Document policy DM20 states that "development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network or on any planned improvements and/or amendments to the transport network". Policy DM21 states that "development that generates a significant number of vehicular trips for goods or materials during its construction and operational phases will need to demonstrate how: movement by water and/or rail, the use of low emission vehicles, electric vehicles and bicycles has been prioritised". Policy DM22 states that "in order to ensure suitable provision for cyclists, development will be required to: meet, and preferably exceed, the minimum standards for cycle parking".

Traffic and Highway Assessment

- 8.53 The application site has a PTAL rating of 5 meaning that it is in an area of very good public transport accessibility and is in close proximity to Canary Wharf Jubilee line station, Heron Quays DLR station, a number of bus routes and the future Canary Wharf Crossrail station which opens in 2018. No car parking for the development has been proposed which is welcomed by officers given its highly accessible location and

this will help encourage employees and visitors to use the wide range of sustainable transport modes available.

- 8.54 In terms of the trip generation levels of the proposed development, it is envisaged that as the proposed development is an ancillary and complementary use for the wider Canary Wharf estate, the majority of trips generated will be linked to other uses on the site, i.e. office workers using the facilities at the proposed development after work. This therefore means that the proposed development is unlikely to generate a significant number of trips from outside the Canary Wharf estate meaning that the development's impact on the local highway and public transport network is envisaged to be negligible.
- 8.55 In light of the above officers therefore consider that the proposed development can be seen to be acceptable in terms of its impacts upon the local highway and public transport in accordance with policy SP09 of the Core Strategy (2010) and policy DM20 of the Managing Development Document (2013).

Parking

- 8.56 The applicant has proposed to provide a total of 68 cycle parking spaces to service the proposed development, of which 28 will be 'long stay' spaces for the use of staff, and 40 will be 'short stay' spaces for the use of visitors. Both TFL and LBTH highways officers are content with the quantum of cycle parking spaces proposed. No car parking is to be provided on site and a blue badge valet parking service for motorists with accessibility requirements will be provided, which will be secured via condition.
- 8.57 Due to the constraints of the site, which include its unique location within the dock (surrounded by water on three sides), and the lack of a basement level, the development has been unable to accommodate all of the proposed cycle parking on site, and has instead provided 6 of the 'long stay' spaces on site (in the form of Brompton cycle lockers) and the remaining 22 of the 'long stay' spaces within the Jubilee Place car park which is 350m walking distance from the site. Due to the fact that both of these locations are secure and offer relative convenience for future staff members, officers consider that the proposed 'long stay' cycle parking provision for the development is acceptable. With respect to the remaining 40 'short stay' spaces for the use of visitors, these are to be provided in the form of on street 'Sheffield stands' in two locations which are sited 60m and 140m walking distance from the site. Due to the fact that both these locations are in close proximity to the site and are thus convenient to use for visitors to the Quay Club, officers are content to accept this provision. The installation of the cycle parking provisions would be secured by s106. It should also be noted that locker and shower facilities for staff will be provided in the staff changing room located on level 4 of the proposed building which is welcomed.
- 8.58 In light of the above officers consider that the proposed development can be considered to be acceptable in terms of its proposed parking provision in accordance with policies 6.9 and 6.13 of the London Plan (2016), policy SP09 of the Core Strategy (2010) and policy DM22 of the Managing Development Document (2013).

Servicing and Deliveries

- 8.59 The applicant has submitted a servicing and delivery plan which outlines how servicing and delivery trips to the site will be managed. The proposed development incorporates an inset layby on the northern side of Bank Street directly outside the

main entrance to the Quay Club which will be used by servicing and delivery vehicles as well as taxis and vehicles dropping people off at the building.

- 8.60 The submitted servicing and delivery plan outlines a provisional schedule for deliveries to the site and has been designed to ensure that only one delivery vehicle is on site at any given time, and that where possible deliveries take place outside of peak periods. It is envisaged that up to 24 deliveries a day will take place with all of the vehicles expected to be in the form of small to medium sized parcel vans. Targets to keep the number of deliveries to the site to a minimum will be employed in order to ensure that the site is serviced in a sustainable manner. The servicing and delivery trips to the site will be carefully monitored and coordinated with other developments within the Canary Wharf estate.
- 8.61 The applicant has investigated the possibility of moving construction materials and waste to and from site by water during the construction phase of the development and has concluded that this is not possible due to the fact that the sole link to Middle Dock is currently closed as it forms a part of the 10 Bank Street construction area, and this link is not anticipated to re-open to vessels until at least 2020. As the applicant has explored this option and has proved that it is not viable, officers are content that the applicant has met the requirements of policy 6.14 (part B, paragraph C) which states that developments should increase the use of the Blue Ribbon Network for the transportation of freight.
- 8.62 Both LBTH highways officers and TFL have reviewed the submitted servicing and delivery plan and have raised no objections to its contents. As such officers are content that the proposal is in accordance with policy 6.14 of the London Plan (2016), policy SP08 of the Core Strategy (2010), and policy DM21 of the Managing Development Document (2013).
- 8.63 Conclusion
- 8.64 Officers consider that as the proposal would not have a significant adverse impact upon the local highway and public transport network, would provide suitable parking arrangements, and would be serviced in a manner which would not adversely impact the local highway network, the proposal on balance is acceptable in transport and highways terms.

Amenity

Policy Context

- 8.65 According to paragraph 17 of the NPPF local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.66 The Council's Core Strategy policy SP10 (4) seeks to ensure that development "protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight)".
- 8.67 The Council's Managing Development Document policy DM25 states that "development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm".

Assessment

- 8.68 The proposed development is surrounded on three sides by water and on its south side by Bank Street, and the currently under construction 10 Bank Street on the south side of Bank Street. The buildings on the north side of Middle Dock are located approximately 45m from the proposed building and due to its scale officers do not consider that the proposed development would result in any adverse impacts on the privacy, outlook or daylight and sunlight levels experienced by the occupiers of these buildings. The currently under construction 10 Bank Street on the south side of Bank Street is located approximately 20m from the proposed building and due to its scale and location to the north of the affected property, officers do not consider that the proposed development would adversely impact upon the amenity of the future occupiers of this building.
- 8.69 The proposed hours of operation for the proposed development have not been specified by the applicant, however given the nature of the proposed use which includes accommodation, the building will be in use 24 hours a day. Considering that the surrounding buildings are all currently in office use, with the exception of the currently under construction Newfoundland development which is residential and is sited approximately 90m from the site, officers consider that the proposed members club (sui generis) use is therefore compatible with the surrounding existing and proposed uses, as there are no residents within close proximity to the proposed development.
- 8.70 In terms of the level of amenity afforded to future users of the proposed development, it should be noted that all 17 bedrooms benefit from windows/Juliet balconies or full balconies overlooking the dock, as well as a large communal terrace on the roof level of the building. Furthermore the façade of the building has been acoustically designed, including the use of hermetically sealed glazing to ensure that suitable internal noise levels are achieved.

Conclusion

- 8.71 Officers consider that as the proposal would not adversely impact the amenity of surrounding residents and building occupiers, and would also afford future occupiers of the building a suitable level of amenity, the proposed development can be seen to be in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.

Refuse

Policy Context

- 8.72 Policy 5.17 of the London Plan (2016) states that development proposals should be “minimising waste and achieving high reuse and recycling performance”.
- 8.73 The Council’s Core Strategy policy SP05 (1) states that development should “implement the waste management hierarchy of reduce, reuse and recycle”.
- 8.74 The Council’s Managing Development Document policy DM14 (2) states that “development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle”.

Assessment

- 8.75 The proposed development includes a large bin store in the south west corner of the ground floor of the building which is located directly adjacent to both the servicing bay to the front of the building and the internal servicing core of the building, and is considered to be in an acceptable location. The overall quantum of refuse storage proposed has been calculated using British Standards guidance on the level of waste generated by various uses and is considered to be an acceptable way to calculate the necessary size of the refuse store. The proposed refuse store includes a compactor to minimise the number of bins required for the building, and as a result 5 x 660l Eurobins and 3 x 330l Eurobins have been proposed in order to allow for the segregation of general waste and recyclables which is supported. Refuse will be collected every 2 days by a range of commercial waste collection service providers.

Conclusion

- 8.76 Officers consider that the proposed refuse strategy for the site is acceptable as the refuse store is located in a convenient location, is of a suitable size and has been designed with the Council's waste management hierarchy of reduce, reuse and recycle in mind, in accordance with policy SP05 (1) of the Core Strategy (2010) and policy DM14 (2) of the Managing Development Document (2013).

Energy and Sustainability

Policy Context

- 8.77 Policy 5.2 of the London Plan (2016) states that "development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy: 1) be lean: use less energy, 2) be clean: supply energy efficiently, 3) be green: use renewable energy". Policy 5.3 states that "the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime". Policy 5.6 states that "development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites". Policy 5.7 states that "within the framework of the energy hierarchy, major development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible". Finally policy 5.9 states that "major development proposals should reduce potential overheating and reliance on air conditioning systems".
- 8.78 The Council's Core Strategy policy SP11 seeks to ensure that development helps "implement a borough-wide carbon emissions target of 60% below 1990 levels by 2025".
- 8.79 The Council's Managing Development Document policy DM29 details the necessary carbon reductions over and above the building regulations requirements and states that "development will be required to connect to or demonstrate a potential connection to a decentralised energy system unless it can be demonstrated that this is not feasible or viable" and that "sustainable design assessment tools will be used to ensure climate change mitigation measures are maximised within development".

Assessment

- 8.80 The applicant has submitted an energy statement which details how the London Plan energy hierarchy of 'be lean, be clean and be green' has been adhered to in the design of the proposed building. All reasonable endeavours have been made to reduce the amount of energy required by the building and supply it in the most efficient method possible which has led to the scheme achieving a 40.7% CO2 emission reduction over and above the building regulations requirements. An assessment identifying a range of renewable energy technologies which could be used within the development has also been made by the applicant, however it has been concluded that none of the technologies assessed are appropriate for the development due to either size constraints or site location constraints. In this instance the Council's energy efficiency officer is content to accept this position and as such a carbon offsetting payment of £27,900 will be secured through a S.106 agreement to cover the shortfall between the anticipated CO2 emission reductions and the Council's current 45% target.
- 8.81 Part (4) of policy DM29 in the Managing Development Document states that sustainable design assessment tools will be used to ensure that development achieves the highest levels of sustainable design and construction. As this proposal is a non-residential scheme, and in order for the proposal to meet the requirements of this policy, it must be designed to achieve a BREEAM 'Excellent' assessment rating. The applicant has submitted a sustainability statement which shows that the scheme is designed to achieve a BREEAM 'Excellent' rating with a score of 72.85% which is welcomed. In order to ensure that the development achieves this target a condition requiring the final certificates to be submitted within 6 months of completion of the development will be imposed.

Conclusion

- 8.82 Officers consider that the proposed energy strategy for the site is acceptable as the proposal has been designed in compliance with the London Plan energy hierarchy, is to provide a carbon offsetting payment to cover the CO2 emission reduction shortfall, and has been designed to be BREEAM 'Excellent' in accordance with policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development Document (2013).

Environmental Considerations

Policy Context

- 8.83 Policy 5.12 of the London Plan states that "*development proposals must comply with the flood risk assessment and management requirements set out in the NPPF*". Policy 5.13 states that "*development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for doing so*". Policy 5.21 states that "*appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination*". Policy 7.14 states that "*development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality*".
- 8.84 The Council's Core Strategy policy SP04 states that "*all new development that has to be located in a high risk flood zone must demonstrate that it is safe [and] that all new development across the borough does not increase the risk and impact of flooding*".

- 8.85 The Council's Managing Development Document policy DM9 states that "major development will be required to submit an Air Quality Assessment *demonstrating how it will prevent or reduce associated air pollution during construction or demolition*". Policy DM13 states that "development will be required to show how it reduces the amount of water usage, runoff and discharge from the site, through the use of appropriate water reuse and Sustainable Urban Drainage (SUD) techniques". Policy DM30 states that "where development is proposed on contaminated land or potentially contaminated land, a site investigation will be required and remediation proposals agreed to deal with the contamination before planning permission is granted".

Air Quality

- 8.86 The applicant has submitted an air quality assessment which assesses the level of emissions from transport generated by the proposed use and the building itself. This assessment concludes that in this instance emissions are below the benchmarks detailed in relevant policy and therefore the development meets the requirement to be 'Air Quality Neutral', and as such no mitigation measures are required in this instance.
- 8.87 The submitted construction environmental management plan contained within the construction statement covers the generation of dust and air quality during the construction process and sets out a range of mitigation/management measures which will be used to ensure that there is no significant impact on air quality during the demolition and construction phases of the development.
- 8.88 Both of these documents have been reviewed by the Council's air quality officers who have concurred with the results of the submitted reports and have thus raised no objections to the development. As such officers consider that the proposed development is acceptable in air quality terms.

Contaminated Land

- 8.89 The majority of the development is to be constructed on a man-made deck which sits over the existing dock and as such it would not be expected that any contaminated land issues would arise from such a development. The proposed development does however include a small strip of land on its western side which will be disturbed during the build process, and whilst previous efforts to clean up this land as part of other developments have been made, there is still a small possibility that this land could be contaminated. In order to ensure that any contaminated land is suitably remediated in the unlikely event that contamination is found, a compliance condition has been proposed by the Council's contaminated land officers which will state that if during development, contamination is found to be present at the site then no further development shall be carried out until the applicant has submitted and obtained written approval from the LPA for an investigation and risk assessment, and where necessary a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. In light of the above details and subject to the above compliance condition officers are content that the proposed development is acceptable in contaminated land terms.

Flood Risk

- 8.90 The application site is located within Flood Zone 3 which indicates that the site is located within an area which is at a 'high probability' of flooding, and as the proposal includes uses (such as accommodation) which fall within the 'more vulnerable' use category, the applicant is required to apply an 'Exception Test' to demonstrate that

the development is appropriate (as set out within the NPPF), by showing that the development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime. In this instance officers consider that the proposed development is appropriate as it does provide wider sustainability benefits through its biodiversity enhancements on site and associated S.106 contributions towards natural environmental enhancements, and also can be considered safe for its lifetime due to the fact that the proposed levels of the building are set above the predicted extreme flood levels provided by the Environment Agency. In light of the above both the Environment Agency and the Council's own officers are therefore content to conclude that the proposed development is acceptable in flood risk terms.

SUDS

- 8.91 The proposed flood risk assessment also includes details of how SUD (Sustainable Urban Drainage) features have been incorporated into the development, mainly through the inclusion of extensive green roof coverage on the building. The Council's SUDS team are content with the proposed strategy for this site and have requested a condition which will detail its agreed adoption, monitoring and maintenance of the drainage and SUDS features.
- 8.92 The remaining surface water is anticipated to be discharged directly into the docks as it will not be contaminated, and in order to ensure that this is the case a compliance condition will be imposed (as requested by the Canal and River Trust) which will state that no chemical cleaning products can be used on the terrace areas which could otherwise be discharged into the dock. Both the Canal and River Trust and the Local Authority are content that there are suitable measures in place to monitor this and thus enforce against this if there is any breach of this condition.

Conclusion

- 8.93 Officers consider that the proposal is acceptable in air quality, contaminated land, flood risk and SUDS terms and can thus be considered to be in accordance with the relevant policies of the London Plan, Core Strategy (2010) and Managing Development Document (2013) as set out within the policy context section of this chapter.

Planning Contributions

- 8.94 The Council's Core Strategy policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's recently adopted 'Planning Obligations' SPD (2016) sets out in more detail how these impacts can be assessed and appropriate mitigation secured.
- 8.95 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and,
 - Are fairly and reasonably related in scale and kind to the development.
- 8.96 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

- 8.97 This is further supported by policy SP13 of the Core Strategy (2010) which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.98 The Council's current Supplementary Planning Document on Planning Obligations was adopted in September 2016. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the Core Strategy (2010).
- 8.99 The general purpose of S.106 contributions are to ensure that development is appropriately mitigated in terms of impacts.
- 8.100 The development proposed does not fall within any defined use class and is thus considered to be 'Sui Generis' which is not liable for Tower Hamlets CIL payments. In order to further mitigate the proposed development, in particular the loss of water space as a result of the development, the applicant has therefore proposed a "Natural Environment Improvement and Enhancement Contribution" of £600,000 which totals a similar scale of contribution had the development been liable for borough CIL based on the rate applicable to a combined retail/hotel use. Officers consider that to be an appropriate approach given that the proposed scheme shares similar characteristics with that type of use.
- 8.101 The following is a complete list of the financial obligation to be secured in accordance with LBTH and GLA guidance:

8.102

Heads of Terms	Planning obligation financial contribution
Improvements and enhancements to the natural environment in the borough.	£600,000
Construction phase skills and training.	£26,144
Access employment and end user	£41,026
Carbon off set initiatives	£27,900
Monitoring	£2,000
Total	£697,070

- 8.103 All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and Regulation 122 and 123 tests.

9.0 FINANCIAL CONSIDERATIONS

Localism Act (amendment to S70(2) of the TCPA 1990)

- 9.1 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
 - Any local finance considerations, so far as material to the application; and,
 - Any other material consideration.
- 9.2 Section 70(4) defines "local finance consideration" as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy

9.3 In this context “grants” might include New Homes Bonus. This is not applicable to this application.

9.4 As regards Community Infrastructure Levy considerations, Members are reminded that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £228,760.

9.5 The Borough’s Community Infrastructure Levy came into force from 1st April 2015. As discussed previously, in this instance the proposal would not be liable for Borough CIL as the proposed development includes the creation of ‘Sui Generis’ floor space which is afforded a nil rate in the borough’s CIL charging schedule.

10.0 EQUALITIES ACT CONSIDERATIONS

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.0 HUMAN RIGHTS CONSIDERATIONS

11.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:

11.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

11.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

11.4 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

11.5 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

11.6 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

12.0 CONCLUSION

12.1 All other relevant policies and considerations have been taken into account. Planning permission and listed building consent should be GRANTED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.

13.0 SITE MAP

